

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

ROBERT LEROY MCCOY #55949/412412

CIVIL ACTION NO. 19-1066 SEC P

VERSUS

JUDGE ELIZABETH E. FOOTE

JULIAN WHITTINGTON, ET AL.

MAGISTRATE JUDGE HORNSBY

ORDER

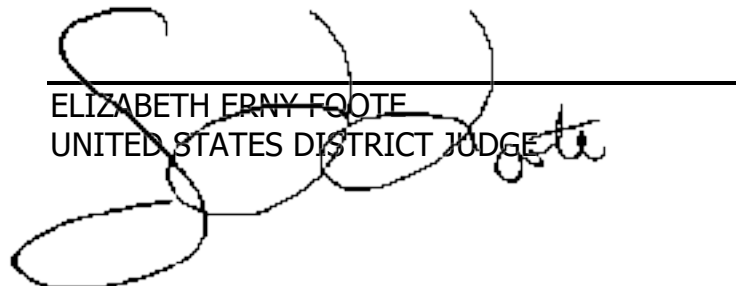
Now before the Court is an appeal of the Magistrate Judge's decision. [Record Document 52]. Previously, Plaintiff Robert Leroy McCoy ("Plaintiff") filed a motion to compel discovery and argued that he had not received timely responses to seven requests for production of documents that he served on February 4, 2020. Record Document 38. Defendants responded by arguing that they received the requests on February 19 and responded by March 17, 2020. Record Document 40. As per a USPS receipt, delivery was made to Plaintiff on March 20, 2020. The Magistrate Judge denied the motion to compel because Plaintiff did not contest that he received Defendants' discovery responses. Record Document 47. Plaintiff filed the instant appeal of that decision. For the following reasons, the Magistrate Judge's ruling is **AFFIRMED**.

Under the Federal Magistrate Act, a magistrate judge may issue binding rulings on non-dispositive matters. 28 U.S.C. § 636(b)(1)(A). A party that objects to such a ruling may appeal to the district judge who "must . . . modify or set aside any part of the order that is clearly erroneous or is contrary to law." Fed. R. Civ. P. 72(a). Federal law affords the magistrate judge broad discretion in the resolution of non-dispositive matters. *See id.* Under this deferential standard, a magistrate judge's decision must be affirmed unless "on

the entire evidence [the Court] is left with a definite and firm conviction that a mistake has been committed." *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948). A clear error standard applies to a magistrate judge's findings of fact, while legal conclusions are reviewed *de novo*. See *Spillers v. Chevron USA Inc.*, No. 11-2163, 2013 WL 869387, at *3 (W.D. La. Mar. 6, 2013) (citing *Choate v. State Farm Lloyds*, No. 03-2111, 2005 WL 1109432, at *1 (N.D. Tex. May 5, 2005)). Hence, reversal of a factual finding is improper whenever the "magistrate judge's 'account of the evidence is plausible in light of the record viewed in its entirety.'" *Smith v. Smith*, 154 F.R.D. 661, 665 (N.D. Tex. 1994) (quoting *Resolution Tr. Corp. v. Sands*, 151 F.R.D. 616, 619 (N.D. Tex. 1993)).

Having reviewed Plaintiff's motion to compel, the Magistrate Judge's order, and the arguments on appeal, this Court cannot conclude that the Magistrate Judge's ruling was clearly erroneous or contrary to law. Plaintiff does not dispute that he received the documents. He has not suffered any prejudice. Considering the Magistrate Judge's decision and the broad discretion afforded to him in resolving non-dispositive matters, the Magistrate Judge's order is **AFFIRMED**.

THUS DONE AND SIGNED this 31st day of March, 2021.


ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE